

FEB 05 2016

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN PENA,

Defendant.

Cr. No. 15-02854 MV

UNITED STATES' PROFFER OF EVIDENCE AT TRIAL

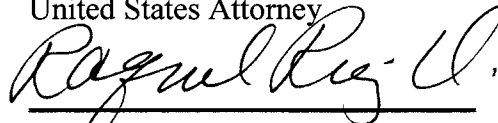
The United States of America hereby submits a proffer of evidence that if this matter were to proceed to trial, the United States would prove through competent and admissible evidence, beyond a reasonable doubt, that the Defendant violated 18 U.S.C. §§ 1153, 2244(a)(3) and 2246(3), that being abusive sexual contact of a minor, a crime that occurred in Indian Country, by the following:

1. On or about May 25, 2015, the Defendant knowingly engaged in and caused sexual contact as defined in 18 U.S.C. § 2246(3) with Jane Doe.
2. The sexual act consisted of the intentional touching, either directly or through the clothing, of Jane Doe's breasts, while Jane Doe was sleeping in her bed. The Defendant acted with intent to abuse, humiliate, harass, degrade, arouse and gratify his sexual desire.
3. At the time of the incident, Jane Doe had attained the age of 12 years, but had not attained the age of 16 years, and was at least four years younger than the Defendant.
4. The incident occurred in Indian Country, in Santa Fe County, in the District of New Mexico.

5. The Defendant is an Indian as defined by federal law.

Respectfully submitted,

DAMON P. MARTINEZ
United States Attorney



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I HEREBY CERTIFY that a true copy of
this pleading was provided to Counsel for
Defendant on February 5, 2016.



Raquel Ruiz-Velez

Assistant U.S. Attorney